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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/694,393	10/28/2003	Yuji Arima	L8612.03106	9180

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EXAMINER

HERNANDEZ, NELSON D

ART UNIT	PAPER NUMBER
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2622

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/22/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/694,393

Applicant(s)

ARIMA ET AL.

Examiner

Nelson D. Hernandez

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 11/18/2003 & 6/22/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. Figure 9 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

2. **Claim 14** is objected to because of the following informalities: The preamble in claim 14 relates to a program and then recites that the program comprises elements such as "an interface", "nesting acquisition section" and an "audio selector"; said elements appear to be physical elements. Since the invention claimed is a program, the Examiner understands that it should be claiming method or process steps. Is the claim meant to recite "a step of permitting a computer to access a plurality of ..."; "a nesting acquisition step of acquiring display sequence information ..." and "a step of selecting and reproducing the audio data in ..."? Appropriate correction is required.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. **Claim 14** is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claim recites “A program in the for audio reproduction, comprising: ...”. A program to execute a method that is not tangibly embodied on a computer readable medium is non-statutory subject matter. Since a computer program is merely a set of instructions capable of being executed by a computer, the program logic itself is not a process; therefore the invention as claimed is non-statutory. For examining purposes the claim will be read as:

“A computer readable recording medium having recorded thereon a program for executing a video system control method, the program comprising logic that when executed by a computer would perform the steps of:

controlling an interface to permit a computer to access a plurality of imaging servers in compliance with requests from a browser, and to receive audio data from the respective imaging servers;

controlling a nesting acquisition section to acquire a display sequence information of individual Web pages transmitted from a plurality of imaging servers; and

controlling an audio selector to select and reproduce the audio data in accordance with the display sequence information of the plurality of Web pages acquired by said nesting acquisition section.”

5. **Claims 15 and 16** depend from claim 14; therefore, claims 15 and 16 are also rejected under 35 U.S.C. 101.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 1, 4, 6, 8, 9 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka, US Patent 6,473,796 B2 in view of Anderson, US Patent 7,107,516 B1.**

Regarding claim 1, Tanaka discloses a network camera system (Fig. 1), comprising: a network terminal (Fig. 1: 108); at least one network camera (Fig. 1: 101) connected to the network terminal via a network (See fig. 1; the camera is connected to the network terminal 110 via server 102 which is connected to the network terminal as shown in fig. 1); and wherein the network camera comprises: a camera unit (Fig. 1: 101); wherein a server (Fig. 1: 102 connected to the camera), wherein when the network terminal 108 on a network connects to the server 102 in hyper text transfer protocol and requests the server to transmit a file of its home page, the server transmits a file, to the network terminal, including a description for causing the network terminal to request the server to transmit an applet for performing automatic reception. When the network terminal receives this file, transmission of the applet is requested, and the

server transmits the applet, which is used to control operations of the network camera (Col. 2, lines 56-67; col. 3, line 7 – col. 4, line 38; col. 4, lines 61-67; col. 5, line 33 – col. 6, line 4).

Tanaka does not explicitly disclose that the network camera comprises a microphone; a program transmitter, which transmits an applet or a plug-in to the network terminal; the network camera transmits a web page attached with an image data and/or an audio data, to the network terminal; and wherein the network terminal, which operable by the applet or the plug-in to reproduce voice based on the audio data which associated with the image data.

However, Anderson teaches a camera system (Fig. 1), comprising a camera (Fig. 1: 110) connected to a host computer (Fig. 1: 112); the camera comprising a microphone (Anderson teaches that the camera can record sound by teaching a sound record button 426 as shown in fig. 4); a program transmitter (using USB or infrared transmission methods), which transmits an applet or a plug-in (Fig. 4: 152; see also figs. 5 and 6) to the host computer; camera transmits a web page (Col. 4, lines 1-51) attached with an image data and/or an audio data, to the host computer (Col. 6, line 54 – col. 7, line 4); and wherein the host computer, which operable by the applet or the plug-in to reproduce voice based on the audio data which associated with the image data (Col. 3, lines 30-57; col. 6, line 54 – col. 7, line 4; col. 8, lines 10-21).

Therefore, taking the combined teaching of Tanaka in view of Anderson as a whole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Tanaka by having in the network camera, a microphone;

a program transmitter, which transmits an applet or a plug-in to the network terminal; the network camera transmits a web page attached with an image data and/or an audio data, to the network terminal; and wherein the network terminal, which operable by the applet or the plug-in to reproduce voice based on the audio data which associated with the image data. The motivation to do so would have been to have the user controlling the image data and sound data received from the network camera using a common browser which is already included in most computers eliminating the requirement of using a specific software that has to be installed to the computer or network terminal before communicating with said camera as suggested by Anderson (Col. 4, lines 1-18).

Regarding claim 4, the combined teaching of Tanaka in view of Anderson teaches that the applet or the plug-in indicates a audio reproduction start button (See Anderson, fig. 6B: 190) and a audio reproduction stop button on an image displaying window screen displayed in the network terminal, and output of the audio data is selected in accordance with inputs through the audio reproduction start button (Col. 8, lines 10-20).

Although the audio button in Anderson appears to be to control the sound associated with an image, Anderson does not explicitly disclose having a stop button to stop the audio.

However, Official Notice is taken that the use of a stop button separately from a start button to control audio is notoriously well known in the art and would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the network camera system by having a stop button to stop audio associated to the

image being active. The motivation to do so would have been to ease the operation to the user when controlling the data received from the network camera.

Regarding claim 6, the combined teaching of Tanaka in view of Anderson teaches the same as discussed and analyzed in claim 1. Therefore, grounds for rejecting claim 1 apply here.

Regarding claim 8, the combined teaching of Tanaka in view of Anderson teaches the same as discussed and analyzed in claim 1. Therefore, grounds for rejecting claim 1 apply here.

Regarding claim 9, the combined teaching of Tanaka in view of Anderson teaches the same as discussed and analyzed in claim 1. Therefore, grounds for rejecting claim 1 apply here.

Regarding claim 14, claim 14 recites computer readable recording medium having recorded thereon a program for executing a video system control method as discussed in claim 1. The combined teaching of Tanaka in view of Anderson teaches the same as discussed and analyzed in claim 1. Furthermore, Tanaka discloses that a permitting a computer accessing plurality of imaging servers in compliance with request from a network terminal (In col. 3, lines 1-33 Tanaka teaches that a plurality of camera servers and clients may be connected to a network). Grounds for rejecting claim 1 apply here.

8. Claims 2, 3, 5, 10, 11, 12, 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka, US Patent 6,473,796 B2 in view of Anderson, US Patent 7,107,516 B1 and further in view of Nishida, US Patent 6,040,831.

Regarding claim 2, the combined teaching of Tanaka in view of Anderson fails to teach reproducing only a voice based on the audio data with regard to an uppermost window in a plurality of image display window displayed in the network terminal.

However, Nishida a method of changing the sound associated to a window based on the location of the window, the size of the window and the position of a plurality of windows, wherein when displaying a plurality of windows, only reproduction of sound related to an uppermost window in a plurality of image display window (See figs. 6 and 7; col. 9, lines 31-53) (Col. 4, line 45 – col. 5, line 19; col. 5, line 52 – col. 6, line 19; col. 6, line 46 – col. 7, line 55; col. 8, line 32 – col. 9, line 53; col. 10, lines 4-60; col. 11, lines 5-14).

Therefore, taking the combined teaching of Tanaka in view of Anderson and further in view of Nishida as a whole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the plug-in or applet in Tanaka and Anderson to reproduce only a voice based on the audio data with regard to an uppermost window in a plurality of image display window displayed in the network terminal. The motivation to do so would have been to present the image and sound information in a way that said image and sound are in harmony or correspondence with each other as suggested by Nishida (Col. 5, lines 5-19; col. 12, lines 4-10).

Regarding claim 3, the combined teaching of Tanaka in view of Anderson and further in view of Nishida as discussed and applied to claim 2 teaches that the applet or the plug-in indicates a display sequence input button (See Anderson, sequence buttons in right upper corner in window as shown in fig. 5; sequence buttons are well known in the art to give a display priority to a predetermined window among a plurality of windows displayed in a display device; see also Nishida, fig. 2A: 311; col. 6, line 46 – col. 7, line 6), which operable to input a window display sequence on an image displaying window screen displayed in the network terminal, and the audio data is adjusted and reproduced in accordance with the window display sequence inputted by the display sequence input button (See Nishida, col. 4, line 45 – col. 5, line 19; col. 5, line 52 – col. 6, line 19; col. 6, line 46 – col. 7, line 55; col. 8, line 32 – col. 9, line 53; col. 10, lines 4-60; col. 11, lines 5-14). Grounds for rejecting claim 2 apply here.

Regarding claim 5, the combined teaching of Tanaka in view of Anderson and further in view of Nishida as discussed and applied to claim 2 teaches the applet or the plug-in computes a distance between a center position of each image displaying window displayed in the network terminal and a center position of a display device of the network terminal (See Nishida, col. 11, lines 5-14), and the audio data is adjusted and reproduced in accordance with the computed distances in a case where a plurality of windows are displayed (See Nishida, col. 11, lines 5-14). Grounds for rejecting claim 2 apply here.

Regarding claim 10, limitations have been discussed and analyzed with respect to claim 2. Therefore, grounds for rejecting claim 2 apply here.

Regarding claim 11, limitations have been discussed and analyzed with respect to claim 3. Therefore, grounds for rejecting claim 3 apply here.

Regarding claim 12, limitations have been discussed and analyzed with respect to claim 5. Therefore, grounds for rejecting claim 5 apply here.

Regarding claim 15, limitations have been discussed and analyzed with respect to claims 2 and 3. Therefore, grounds for rejecting claims 2 and 3 apply here.

Regarding claim 16, limitations have been discussed and analyzed with respect to claims 2 and 3. Therefore, grounds for rejecting claims 2 and 3 apply here.

9. Claims 7 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka, US Patent 6,473,796 B2 in view of Anderson, US Patent 7,107,516 B1 and further in view of Ejima, US 2003/0189636 A1.

Regarding claim 7, the combined teaching of Tanaka in view of Anderson fails to teach a loudspeaker, which reproduces voice based on the audio data transmitted from the network terminal.

However, the use of network cameras having a loud speaker to reproduce voice based on the audio data transmitted from a network terminal is notoriously well known in the art as taught by Ejima. Ejima teaches a network camera (Fig. 1 and fig. 20: 1) connected to a network terminal (Video Phone 108 as shown in fig. 20) through a network (Fig. 20: 103); wherein said camera comprises a loud speaker (Fig. 2: 5) to reproduce voice based on the audio data transmitted from the network terminal (Page 14, ¶ 0251-0258).

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Therefore, taking the combined teaching of Tanaka in view of Anderson and further in view of Ejima as a whole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Tanaka and Anderson by having a loudspeaker to reproduce voice based on the audio data transmitted from the network terminal. The motivation to do so would have been to improve the network camera system by enabling the camera user to have access to sound being input on the network terminal so the user can have a conversation with the user to the network terminal.

Regarding claim 13, limitations have been discussed and analyzed with respect to claim 7. Therefore, grounds for rejecting claim 7 apply here.

Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nelson D. Hernandez whose telephone number is (571) 272-7311. The examiner can normally be reached on 8:30 A.M. to 6:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on (571) 272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nelson D. Hernandez
Examiner
Art Unit 2622

NDHH
March 12, 2007

A handwritten signature in black ink, appearing to read 'Vivek Srivastava', with a stylized flourish at the end.

VIVEK SRIVASTAVA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600